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3 November 1949

MEMORANDUM FOR: THE DIRECTOR

SUBJECT: Proposed Administrative Instruction
concerning Aliens in the United States

REFERENCE: Memorandum to the Director from the
General Counsel, dated 28 Oct 1949,
subject: Proposed Admin. Instr. Re
Entry, Status and Disposal of Aliens.

1. In our memorandum dated 28 October 1949, forwarding the Proposed Administrative Instruction, we stated that the draft had been submitted to OPC and, according to telephone conversations with Mr. Hulick, we thought there was no basic objection to the procedures on the part of OPC. We have now received from [] the attached memorandum, dated 1 November. As stated therein, our reference of the proposed memorandum to OPC was on an informal basis and was not a request for formal concurrence or non-concurrence.

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2. In paragraph 4 of his memorandum, M [] states several objections to the Proposal for administrative procedures controlling the entry and status of aliens in the United States. Our comments on each point are submitted herewith:

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a. [] states his principal objection is to have this office brought so extensively into operational matters. We had ourselves raised this question before with []

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[] We have been informed by them that this office would continue the handling of the alien problem from an administrative point of view. The only alternative we can suggest is to create a special staff or service section within or immediately under the Executive to cope with this problem for the Agency as a whole.

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Actions or commitments concerning aliens which backfire do so directly into your office, so I cannot recommend putting the focal point in any of the three operational offices concerned.

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b. [] objects to paragraph 4 concerning recommendations by the General Counsel. This was intended to be recommendations on ways and means rather than on whether or not an action should be taken. Since, as worded, it appeared too broad to us, we requested its deletion and this paragraph is not now in the draft before you.

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c. [] notes that paragraph 5 places in the General Counsel's Office responsibility for all action concerning entry which necessitates action by U. S. officials or agencies. He states his belief that this office could not take such action without paralyzing delays and the Proposal cuts directly across liaison relationships. We take definite exception to the statement concerning "paralyzing delays". Any case or request presented for urgent action, if accompanied by the necessary information, need not stay in this office longer than necessary for us to get the proper clearance from yourself or the Executive. We are in an excellent position to get such clearances. We have good relationships with those officials who need to take action on the entry or status of an alien in this country. Since the outside agencies which must be called on for action are the Visa Division of State, the Immigration and Naturalization Service and the Department of Justice, we do not believe we will interfere with the proper liaison arrangements of OPC with State and Defense. In so far as the FBI is concerned, we believe these alien cases, under your recent instructions, are to be handled with the Bureau through I&S. In any case, nothing in this Directive is intended, in any way, to interfere with planning concerning aliens, both internally and together with other agencies, []

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3. If you wish to call a meeting as recommended by [redacted] it would not appear necessary to call on OSO or OO inasmuch as they not only approve of the draft proposal, but are, in effect, complying with it in practice and have been for some time. Since it is purely an internal procedure paper, I see no need for representation by State and Defense, at least in any preliminary consideration.

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[redacted]
LAWRENCE R. HOUSTON
General Counsel
Legal Staff

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Attachment: [redacted]

dtd 1 Nov 1949

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